

IN RE: PETITION FOR ZONING VARIANCE
E/S Velvet Hills Drive, 514'
SW of Bonita Avenue
(12111 Velvet Hills Drive)
4th Election District
3rd Councilmanic District
Curtis Turner, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-533-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 27 feet in lieu of the required average of 40 feet, and to amend the Fifth Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction outside the building envelope, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Curtis Turner, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 12111 Velvet Hills Drive, consists of .25 acres zoned D.R. 2. and is improved with a single family dwelling, which has been Petitioners' residence for the past 8 years. Petitioners are desirous of constructing a two car garage addition to the existing dwelling as depicted in Petitioner's Exhibit 1. However, due to the location of existing improvements on the lot, and the proposed location for the garage abutting a panhandle drive, the relief requested is necessary. Testimony indicated that the Petitioners have spoken to the adjoining property owners who have no objections to the proposed improvements as evidenced by signed letters of support identified as Petitioner's Exhibits 2 and 3. Mr. Turner noted the proposed addition would be reviewed by an architectural committee as required by the covenants of the development to insure the proposed improvements are com-

patible. In further support of his request, Mr. Turner introduced photographs of the adjoining properties and panhandle drive and another house in the development with a similar addition abutting a panhandle drive. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1990 that the Petition for Zoning Variance to permit a front yard setback of 27 feet in lieu of the required average of 40 feet, and to amend the Fifth Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction outside the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief requested:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

July 27, 1990

Mr. & Mrs. Curtis Turner
12111 Velvet Hills Drive
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
E/S Velvet Hills Drive, 514' SW of Bonita Avenue
(12111 Velvet Hills Drive)
4th Election District - 3rd Councilmanic District
Curtis Turner, et ux - Petitioners
Case No. 90-533-A

Dear Mr. & Mrs. Turner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE #381 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-533-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 - To allow a front setback of 27 feet in lieu of the required front average setback of 40 feet AND To amend the 5th Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction of same outside of the building envelope of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

see attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Legal Owner(s):
CURTIS TURNER
(Type or Print Name)
Signature
LOUIS TURNER
(Type or Print Name)
Signature
12111 VELVET HILLS DR
Address
OWINGS MILLS MD 21117
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of July, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of July, 1990, at 11:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 15 MIN.
DATE 5-3 (over)-70
REVIEWED BY: J. Robert Haines
Zoning Commissioner of Baltimore County.

The garage & room addition must be repositioned because of the pie-shaped lot we have. If we stayed within the building envelope, the garage would measure 19' wide at the front, tapering back to 14' wide at rear, which is inadequate for a two car garage. By bringing the addition forward, toward the street, we can get at least 19' wide, front & back.

The addition is needed, because of family size, and the possibility of my mother moving into our home. Our home does not have a basement which has created the need for the addition to give us extra storage which at this point is critical.

The amendment we seek was granted to our neighbors last summer (1989) six houses down the street at 12127 Velvet Hills Drive, their houses is exactly like ours, with same positioning problem, however, they have a basement and storage was not critical. An amendment was issued to this neighbor and a garage was constructed. An amendment was also issued to Marc Lipnick, at 12204 Velvet Hills Drive, case # 89-397A. We ask for the same consideration.

Zoning Description

Beginning at a point on the North East side of Velvet Hills Drive which is 50' wide at the distance of 514.27' South West of the centerline of the nearest improved intersecting street Bonita Avenue which is 50' wide. *Being Lot #45, block 15 in the subdivision of Velvet Hills subdivision as recorded in Baltimore County plat book #46, Folio #30, containing 1/4 acre. Also known as 12111 Velvet Hills Drive.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2362

Date: 5/03/90
PUBLIC HEARING FEES QTY PRICE
1/4 ZONING VARIANCE (1/4) 1 \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: TURNER

B 071 *****35001* 30386
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: June 27, 1990
Posted for: Variance
Petitioner: Curtis Turner, et ux
Location of property: E/S Velvet Hills Drive, 514' SW of Bonita Avenue
Location of Sign: In front of 12111 Velvet Hills Drive
Remarks:
Posted by: S.J. Costa Date of return: June 29, 1990
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:30 a.m. on Tuesday, July 24, 1990 at 11:30 a.m.
Petition for Zoning Variance
Case Number: 90-533-A
E/S Velvet Hill Drive, 514' SW of Bonita Avenue
12111 Velvet Hill Drive
4th Election District
3rd Councilmanic
Petitioner(s): Curtis Turner, et ux
Hearing Date: Tuesday, July 24, 1990 at 11:30 a.m.
Variance: To allow a front setback of 27 feet in lieu of the required front average setback of 40 feet AND to amend the 5th Amended Final Development Plan of Velvet Hill, Lot #45, to allow construction of same outside of the building envelope.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JOC 6400 June 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 29, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 28, 1990.

OWINGS MILLS TIMES,

S. Zeke Olson
Publisher

PO105548

NOTICE OF HEARING
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4th Election District
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JOC 6400 June 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 2, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 28, 1990.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Date 7/24/90

PUBLIC HEARING FEES

080 - POSTING SIGNS / ADVERTISING 1 X \$109.49

LAST NAME OF OWNER: TURNER

DAAD4#0128NICHRC
SA 001115AM07-24-90
Baltimore County

\$109.49

Cashier Validation:

Please make checks payable to Baltimore County

receipt

Account: R-001-6150

Number

No 3011

90-533

M9150041

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 7-6-90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Curtis Turner
12111 Velvet Hill Drive
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 90-533-A
E/S Velvet Hill Drive, 514' SW of Bonita Avenue
12111 Velvet Hill Drive
4th Election District - 3rd Councilmanic
Petitioner(s): Curtis Turner, et ux
HEARING: TUESDAY, JULY 24, 1990 at 11:30 a.m.

Dear Mr. & Mrs. Curtis:

Please be advised that \$109.49 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 1, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-533-A
E/S Velvet Hill Drive, 514' SW of Bonita Avenue
12111 Velvet Hill Drive
4th Election District - 3rd Councilmanic
Petitioner(s): Curtis Turner, et ux
HEARING: TUESDAY, JULY 24, 1990 at 11:30 a.m.

Variance to allow a front setback of 27 feet in lieu of the required front average setback of 40 feet AND to amend the 5th Amended Final Development Plan of Velvet Hill, Lot #45, to allow construction of same outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Curtis

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 9, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Curtis Turner
12111 Velvet Hill Drive
Owings Mill, MD 21117

RE: Item No. 381, Case No. 90-533-A
Petitioner: Curtis Turner, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Turner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 30th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Riaz Janjua, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 22, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Curtis Turner, et ux, Item No. 381

The Petitioners request a Variance to front yard setback requirements and to amend the Final Development Plan of "Velvet Hills," Lot 45.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 351, 381, 382, 383, 384, 386, 389, 390, 391, 392 and 393.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUN 13 1990
ZONING OFFICE

